

M E M O R A N D U M

To: Congresswoman Jo Ann Davis, Chairwoman Subcommittee on Civil Service and Agency Reorganization, Committee on Government Reform

From: Dan Glickman, Secretary of Agriculture

Date: March 29, 2004

Re: Hearing on "A System Rued: Inspecting Food" March 30, 2004

The following is a summary of my oral comments to be given at the aforementioned hearing.

1. Generally speaking, there is positive confidence by the public in the safety of the food supply, but the current system of federal regulation of food safety is complicated, cumbersome and not suited to the threats of modern times. The inspectors do a good job, but while meat and poultry are generally well regulated by USDA's multi-million dollar regulatory system, other products, largely under FDA's regulatory system, do not undergo as thorough an inspection process because of lack of resources.
2. Starting a legislative review from bottom up in this area is important and would probably result in recommendations for a significant consolidation of food safety federal regulatory and enforcement function. Unless, however, there is a substantial and long term commitment from the White House and key congressional leadership to support fundamental changes, the turf battles which inevitably will result from food safety consolidation make it nearly impossible to accomplish these changes in the foreseeable future. Frankly, a more radical and comprehensive re-structuring of these agencies would be the appropriate action but, barring a catastrophic food safety event affecting large numbers of Americans, it is doubtful that a political consensus could be reached among the various constituencies and interest groups to give Congress and the White House the political support they will need for such consolidation. Furthermore, the creation of the Department of Homeland Security no doubt creates a disincentive for the Congress to make fundamental changes in the short term.

3. Yet fundamental changes in our food safety system are needed to meet the evolving threats which now include the risks of bioterrorism to the food supply. At a minimum, the agencies involved need the statutory authority to better leverage and deputize the employees of other agencies. For example, USDA has its agencies (APIS, AMS and FSIS) at the border. Since FDA lacks sufficient border inspections, authority should be given to cross-deputize USDA inspections (and vice versa where relevant and appropriate). In my experience, FDA has been typically amenable to partnering with states in this fashion, but has generally opposed it on the federal level. Given the resource and political pressures that limit how much FDA or USDA will get from Congress, at a minimum there should be this kind of flexibility provided to the respective federal agencies, and their employees should be cross-trained to perform these functions, as relevant.

4. The allocating of resources in food safety functioning should be done on the basis of a comprehensive qualitative and quantitative risk assessment, which in my judgment, is still lacking and needs to be done. These assessments will probably lead to the conclusion that significant additional financial resources are necessary to carry out federal food safety functions.

5. Oversight over imported food, particularly in light of the recent BSE scare in Canada and the U.S., demand harmonization of agency inspection and enforcement procedures by the various agencies as quickly as possible. While the Federal Government by and large did a very professional job in handling the recent BSE crisis, it is reasonable to assume that with the additional testing of animals recently announced by the USDA, there may be more reported cases in the future. Our national system must be able cope with this and similar problems on a comprehensive and timely basis in order to ensure both a safe food supply and maintain high levels of consumer confidence in our food systems safety. The anticipation of future food safety threats, both from naturally occurring events as well as arising from criminal or terrorists activities, need much greater continuing attention from all federal agencies.

6. Both the White House and Congress must give much greater operational and oversight attention to the problems of food safety. In my experience, too little focus occurs in either the Congress or the White House barring a major case of BSE, or an epidemic of other food born-illness. The current oversight process is almost exclusively crisis driven. At times, some in the industry have, in my judgment, been very reluctant to give the federal agencies additional authorities they have needed to perform their missions to deal with additional threats. For example, we still do not have overall comprehensive statutory authority for mandatory recall of contaminated food products. While their concerns should be heard, the industry is the most vulnerable when public confidence in food safety is threatened. An active and engaged congressional and White House oversight

process can prevent future food safety problems, maintain consumer confidence, and insure the financial health of the industry.

Dan Glickman, former U.S. Secretary of Agriculture, is currently the Director of the John F. Kennedy School of Government at Harvard University. He is also a Senior Advisor at the law firm of Akin Gum Strauss Hauer and Feld. The views expressed herein are Mr. Glickman's personal views.